

HOUSE No. 1360

By Mr. Scaccia of Boston, petition of Thomas Menino and Angelo M. Scaccia for legislation to provide grants to cities and towns and other political subdivisions for the removal or replacement of fuel storage tanks. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR THE ALLOCATION OF GRANTS TO CITIES, TOWNS, DISTRICTS AND OTHER BODIES POLITIC FOR THE PURPOSE OF THE REMOVAL OR REPLACEMENT, OR BOTH, OF FUEL STORAGE TANKS OWNED OR OPERATED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 148 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by striking out
3 section 37A and inserting in place thereof the following:—
4 Section 37A. As used in this section, the term “fuel storage tank”
5 shall mean an underground tank used or designed to be used for
6 the storage of gasoline, oil, or other fuel, or other flammable liq-
7 uids that does not have an acceptable form of leak detection and
8 does not have a spill containment manhole and an overfill preven-
9 tion device.

10 The underground storage petroleum cleanup fund administra-
11 tive review board (“board”), established pursuant to section eight
12 of chapter twenty-one J of the General Laws, shall establish and
13 administer a program to provide grants to cities, towns, districts
14 and other bodies politic, not to include agencies or authorities of
15 the commonwealth, for the purpose of removing or replacing or
16 both, fuel storage tanks owned or operated by such city, town, dis-
17 trict or body politic, subject to the following conditions.

18 (1) No grant shall be awarded for the removal or replacement
19 of any fuel storage tank unless the city, town, district, or other
20 body politic, not to include agencies or authorities of the com-

21 monwealth, that owns or operates the fuel storage tank files with
22 the board, within six months after the initial publication in the
23 Massachusetts Register of Regulations the provisions of this
24 section, a statement that it has granted a contract pursuant to a
25 duly issued request for proposals to a party licensed to remove or
26 replace such fuel storage tank. The board shall promulgate regula-
27 tions for the implementation of this section to ensure that grant
28 applications are approved or disapproved within a reasonable time
29 of filing the statement described above and that, if the board
30 approves the grant application, the funds are available before the
31 removal or replacement of the fuel storage tank is completed.

32 (2) A city, town, district or other body politic, not to include
33 agencies or authorities of the commonwealth, which removes or
34 replaces a fuel storage tank after the effective date of implementa-
35 tion of said regulations, may file one or more applications for a
36 grant with the board from when a contract has been granted pur-
37 suant to a duly issued Request for proposals to a party licensed to
38 remove or replace the fuel storage tank up to one year after
39 removing or replacing the fuel storage tank. The number of appli-
40 cations that a city, town, district or other body politic, not to
41 include agencies or authorities of the commonwealth, can submit
42 will be determined, as formulated by the board, by the amount of
43 gasoline sold per eligible city, town, district or other body politic.

44 (3) If grants made to a city, town, district or other body politic,
45 not to include agencies or authorities of the commonwealth, pur-
46 suant to the allocation formula described in clause (2) of this
47 section do not exceed the amount allowed for such grants as pro-
48 vided in paragraph (c) of section four of chapter twenty-one J, the
49 board shall consider additional applications for grants pursuant to
50 the allocation formula described in clause (2) of this section.

51 (4) A grant for the removal or replacement of a fuel storage
52 tank shall be made in a single payment, provided that no grant
53 shall exceed fifty percent (50%) of the total cost of the removal or
54 replacement of the fuel storage tank that is the subject of the
55 grant. All annual payments made to cities and towns pursuant to
56 this section may be made a part of annual local aid distribution to
57 cities and towns. Nothing in this section shall be construed to
58 affect the rights, responsibilities, or liability of any person pur-
59 suant to any other law. No person who has responsibility or lia-

60 bility pursuant to any other law shall avoid or delay such responsi-
61 bility or liability, or be excused from such responsibility or lia-
62 bility, because of reliance on grants provided for in this section or
63 because of any failure to delay to provide grants or grant pay-
64 ments pursuant to this section. The board shall promulgate regula-
65 tions for the proper implementation of this section, including,
66 without limitation, regulations for filing grant applications and for
67 filing the statements provided for in this section.

1 SECTION 2. This act shall take effect upon passage.